

# FIRE CLAIMS



## **TARGET AUDIENCE:**

Military and GS and NAFI civilian personnel who lost personal or military property in the fire at Building 198 on 8 September 2007.

# FIRE CLAIMS

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- ❑ This brief will discuss:
  - Three main classes of property
  - Forms and Processing Requirements
  - Applicable regulations
  - Points of Contact for Q/A

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- Three main classes of property:
  - 782 gear / military issue;
  - Military Clothing (uniforms, etc.);
  - Personal property (including civilian clothing, personally-purchased military clothing such as Creighton shirts, Danner boots, etc./radios/paintings/plants/etc.).
- All categories have similar or overlapping forms.
- SOME claims are processed through the Joint Law Center (JLC); others through your chain of command's 4 shop.

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- ▣ There are also three main categories of claimants for the purposes of this brief:
  - Marines who lost ONLY issue uniforms received via the supply chain of command, and NOT any personally-purchased uniforms or uniform items;
  - Marines who lost ONLY gear issued to them from CIF or similar military sources;
  - Marines and GS and NAFI civilians who lost personal property.
    - ▣ Contractors are not covered in this brief.
  - You may fall into more than one category.

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- ❑ If all you lost in the fire was CIF and/or Supply systems issued uniforms, complete only the NAVMC 604 or missing gear statements, as applicable, and route through your chain of command's 4 shop.
- ❑ If you lost personally-purchased gear and you wish to make a claim you must file additional forms as described below.

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- ❑ Before starting the process, you should:
  - Document your losses, making a list of what you think has been damaged or destroyed, its original cost, and the month and year you purchased the item;
  - If making a claim for personal property, determine whether you have insurance;
  - Gather all documentation you have regarding the loss, estimates for replacement, receipts, and any other documentation describing the property and the month and date of purchase.

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- Private Insurance:
  - If you have homeowner's or renter's insurance, contact your policy carrier to determine whether your loss is covered under your policy. Do this ASAP.
  - If it is covered, you must make a claim against your insurance and submit documentation of that insurance claim with your claim for government compensation.
  - If your personal insurance claim is denied, submit your insurance policy info and correspondence documenting the denial.
    - This can be a letter, email from your agent/adjuster, etc.
  - If your personal insurance claim is paid:
    - The deductible on your personal insurance policy may be included in your claim on DD Form 1844; include supporting documentation.
    - You may also claim any amount NOT covered by personal insurance on your DD Form 1844; include supporting documentation.

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- Your personal insurance documentation MUST be submitted with your government claim.
- EXCEPTIONS:
  - The insurance document requirement does not apply to requests for re-supply of issued uniforms via the 4 shop or CIF-issued gear because you didn't buy it, and you're not asking the government to give you money back for personal property you purchased.
  - If you're making a claim for personal property or uniforms you personally purchased, and do not have private insurance, you must file an affidavit stating that you have no insurance. You can get the affidavit form from the JLC website.

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- **782 gear and CIF issue ONLY:**

1. Download a missing gear statement from the JLC website, or obtain one from your chain of command;
2. Complete all paperwork, and have missing gear statement signed by:
  - Station: CO, H&HS;
  - Wing: CO, MWHS-2;
3. Take your package to CIF for gear re-issue.

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- **Military Clothing**: the loss or destruction of your military clothing will entitle you to replacement or reimbursement, depending on whether it was issued to you or personally purchased.
- **Note**: Issue uniforms are supply system items, not commercial grade, and do not include Creighton shirts, Danner boots, Under Armor or similar items. For compensation for personally-purchased commercial grade items, make a claim using DD forms 1842 and 1844.

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## ❑ **Issued Military Clothing:**

- Uniforms issued via the Supply System may be replaced using NAVMC 604(A) (Males) or NAVMC 604(B) (Females).
- This category includes name and service tapes. Military clothing will make name tapes and issue alteration slips, which must be taken to the alteration shop to be sewn on.
  - ❑ You may also have the tapes done out in town if you need them more quickly, but you will not be compensated for this expense.
- Remember: this category does NOT include Creighton shirts, Danner boots, Under Armor, etc.
- “Issue” uniforms replaced via the Supply System process may NOT be claimed on DD 1842/1844, but military clothing you purchased may be claimed on DD 1842/1844.

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- Issued military clothing-continued:
- Complete all paperwork and have NAVMC 604 forms signed by:
  - Wing Marines: Wing G-4 (in Bldg 294, Wing 5).
  - Station Marines: Mr. Dockery at Station Supply (Bldg 294).
- Go to military clothing for issue uniforms.
- NOTE: Both officer and enlisted Marines and Navy personnel serving with Marine Corps units may have issue uniform items replaced through the supply system.

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- Personally-Purchased Military Clothing (Enlisted and Officers)
  - This category includes Creighton shirts, Danner boots, Under Armor shirts, etc.
  - Complete the following forms:
    - Claims Checklist (downloadable at JLC website);
    - DD1842 (Claim for Loss/Damage) ;
    - DD1844 (List of Property and Claims Analysis Chart);
    - FMS 2231 (Electronic Funds Transfer Form);
    - Non-availability of Personal Insurance Affidavit (if applicable);
    - Any other documents that substantiate your claim (witness affidavits, photos, receipts, etc.).
  - Return completed claims packets to the JLC for processing. The sooner the claim is returned to the JLC, the sooner the claim will be paid.

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## □ TIMING:

- The claim must be RECEIVED (not mailed) within two years of the date of the loss.
- Claims are processed in the order they are received-the sooner you file, the sooner you will be compensated.
- The greater the delay in reporting the loss, the more substantiation the claimant will be expected to provide (Chapter 32, section 751.9(c)-Code of Federal Regulations).
- LEADERS: take note of those Marines, sailors and civilians who are deployed and ensure that they're covered (Key Volunteer Network, spouses clubs, etc.).
  - Third parties may file claims for deployed personnel with a Power of Attorney.

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- What has to be SUBSTANTIATED?
  - Value;
  - Ownership;
  - Why it's reasonable to have that item in your workplace.
- Your claim can be substantiated using several things:
  - Affidavit;
  - Receipts;
  - Photos;
  - Witness statements;
  - Advertisements or price comparisons.
- The greater the amount of the claim, the more likely it will be closely looked at (more money=more documentation), but all claims must be substantiated.

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- What could delay a claim?
  - Delay in filing;
  - Timing of filing (i.e. right at fiscal year change);
  - Lack of documentation/substantiation;
  - Delay in the process of obtaining verification from your private insurance;
  - Forms not completed properly.
    - *NOTE: Save your electronically-completed forms! If you need to make corrections or changes, you won't have to retype everything.*

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- “What about ribbons/medals/badges?”
  - These may also be replaced.
  - Officers submit claims for reimbursement.
  - Enlisted submit a list of decorations (official record, such as 3270 printout or MOL sheet) with the uniform issue request-they will be replaced.
  - Mounting fees will not be reimbursed via supply, but may be compensated via the claims process. You will need documentation of the cost for mounting.

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- ▣ Civilian Clothing and other personal property (for officer and enlisted military and civilian personnel):
  - Download claims packet from JLC;
  - Complete all forms and provide proper documentation of costs and month and year of purchase.
    - ▣ Receipts, if possible.
    - ▣ If no receipt is available, find the item or a closely comparable item and submit the price (an advertisement, for example) to document the cost.
    - ▣ You may also submit an affidavit in which you ***swear under penalty of perjury*** as to the month and year of purchase and cost of the item.
  - Return to Ms. Wahl at the JLC for processing.

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## ❑ Details About Your Claim:

- Items for which you submit a claim are subject to “depreciation”, meaning that you will be reimbursed the fair market value of the item, not the replacement cost.
  - ❑ NOTE: Military uniforms are generally not depreciated (see JAGINST 5890.1A).
- Depreciation on different types of property is set at different rates per Navy regulation.
- Claims also require some type of report documenting the loss, such as a PMO or police report. This report will be standardized and attached to your claim by JLC personnel.

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- ❑ Things to keep in mind:

- If you didn't lose it, don't claim it. Fraudulent claims will result in vigorous prosecution of civilian *or* military personnel under either the UCMJ or the U.S. Code;
- The U.S. Government is the last-line insurer here—you must first seek compensation from your other insurance carriers (i.e. homeowner's, renter's, etc.). You can document your private insurance claim and deductible on DD Forms 1842 (in the explanation) and 1844 (as an itemized claim for reimbursement).

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- Your claim will be reviewed to determine whether what you are submitting is reasonable. This determination is made on a case-by-case basis.
- Bottom line-
  - PT gear, uniforms, the ordinary plaques, certificates and other normal items will be compensated.
    - Award certificates can be regenerated by your S-1/IPAC.
  - A Play Station, DVD players, and non-duty-related recreational stuff not normally kept in the office will probably not be paid for, unless you explain in detail a legitimate reason for why the items were in your office. (see 31 U.S.C. § 3721(f)(1) and (2)).

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- ❑ From the Code of Federal Regulations Claims Processing Guide:
  - Most claims are honest and entitled to the benefit of the doubt. The CFR also includes the following gouge on evaluating claims:
  - “Factors that indicate a claimant's credibility is questionable include amounts claimed that are exaggerated in comparison with the cost of similar items, insignificant or almost undetectable damage, very recent purchase dates for most items claimed, and statements that appear incredible. Such claimants should be required to provide more evidence than is normally expected.”

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## □ Applicable Law and Regulations

- MCO P10120.28G-Individual Clothing Regulations
- MCO P4400.150E-Supply Policy Manual
- JAGINST 5800.7E (dtd 20 Jun 07)-JAGMAN
- JAGINST 5890.1A (dtd 18 Jun 05)-Processing of Personal Property Claims
- 32 C.F.R. Part 751-Personal Claims regulations
- 31 U.S.C. § 3721-Claims Against the U.S. Government

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## ❑ Points of Contact

- Supply/Issue uniforms and CIF:
  - ❑ Sergeant Nieto - Wing G-4 Supply **466-6228**
  - ❑ Mr. Dockery - Station Supply **466-7403**
- Personal property claims:
  - ❑ Ms. Alicia Wahl - Joint Law Center Claims Supervisor  
**466-3559/4143**

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QUESTIONS?